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Attorneys for Complainant

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

ROBERT D. GRAHAM
1099 N. Mar Vista
Pasadena, CA 91104

Physical Therapist Assistant License No.
AT 4342

Respondent.

Case No. 1D 2003 63462

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the Physical Therapy Board of California of the Department of Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the Second Amended Accusation.

PARTIES

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical Therapy Board of California. He brought this action solely in his official capacity and is represented in this matter by Bill Lockyer, Attorney General of the State of California, by John E. DeCure, Deputy Attorney General.

2. Respondent (Respondent) is representing himself in this proceeding.

3. On or about April 25, 1996, the Physical Therapy Board of California issued Physical Therapist Assistant License No. AT 4342 to Robert D. Graham (Respondent). The license was in full force and effect at all times relevant to the charges brought and will expire on February 28, 2006, unless renewed.

JURISDICTION

4. Accusation No. 1D 2003 63462 was filed before the Physical Therapy Board of California (Board), Department of Consumer Affairs, and is currently pending against Respondent. A copy of Accusation No. 1D 2003 63462 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 1D 2003 63462. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 1D 2003 63462.

9. Respondent agrees that his Physical Therapist Assistant License is subject to discipline and he agrees to be bound by the Physical Therapy Board of California (Board)'s

1 imposition of discipline as set forth in the Disciplinary Order below.

2 **CONTINGENCY**

3 10. This stipulation shall be subject to approval by the Physical Therapy Board
4 of California. Respondent understands and agrees that counsel for Complainant and the staff of
5 the Physical Therapy Board of California may communicate directly with the Board regarding
6 this stipulation and settlement, without notice to or participation by Respondent or his counsel.
7 By signing the stipulation, Respondent understands and agrees that he may not withdraw his
8 agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon
9 it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement
10 and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be
11 inadmissible in any legal action between the parties, and the Board shall not be disqualified from
12 further action by having considered this matter.

13 11. The parties understand and agree that facsimile copies of this Stipulated
14 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
15 force and effect as the originals.

16 12. In consideration of the foregoing admissions and stipulations, the parties
17 agree that the Board may, without further notice or formal proceeding, issue and enter the
18 following Disciplinary Order:

19 **DISCIPLINARY ORDER**

20 IT IS HEREBY ORDERED that Robert D. Graham, holder of Physical Therapist
21 Assistant License No. AT 4342, shall be publicly reprovved by the Physical Therapy Board of
22 California for violating Business and Professions Code sections 2660, subdivision (d), and
23 California Code of Regulations, title 16, section 1399.20, as set forth in Accusation No. 1D 2003
24 63462 (a copy of the public reprovral is attached hereto as Exhibit B and hereby incorporated by
25 reference as if fully set forth).

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have been given the opportunity to discuss it with an attorney, if I so choose. I understand the stipulation and the effect it will have on my license. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Physical Therapy Board of California.

DATED: November 9, 2004.

Original Signed By: _____
ROBERT D. GRAHAM
Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Physical Therapy Board of California of the Department of Consumer Affairs.

DATED: _____.

BILL LOCKYER, Attorney General
of the State of California

JOHN E. DeCURE
Deputy Attorney General

Attorneys for Complainant

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

ROBERT D. GRAHAM
1099 N. Mar Vista
Pasadena, CA 91104

Physical Therapist Assistant License No.
AT 4342

Respondent.

Case No. 1D 2003 63462

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on _____.

It is so ORDERED _____.

FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

Exhibit A

Accusation No. 1D 2003 63462

Exhibit B
Public Reproval

Public Reprimand

Respondent's California Physical Therapist Assistant License No. AT 4342 is publicly reprimanded under Business and Professions Code section 495 for violating Business and Professions Code section 2660, subdivision (d), and California Code of Regulations, title 16, section 1399.20 due to his conviction of a crime substantially related to the qualifications, functions, or duties of a physical therapist assistant, to wit: violation of Vehicle Code sections 23152, subdivisions (a) (driving under the influence of alcohol or drugs) and (b) (having .08% or more, by weight, of alcohol in his blood while driving a vehicle), both misdemeanors.

